

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00

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PA-01 RSC-01 PRS-01 SP-02 SS-15 IO-10 SAM-01 SAJ-01

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FM USMISSION USBERLIN

TO SECSTATE WASHDC IMMEDIATE 0156

AMEMBASSY BONN IMMEDIATE

INFO AMEMBASSY BERLIN UNN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

C O N F I D E N T I A L USBERLIN 2145

E.O. 11652: GDS

TAGS: PGOV, PFOR, MOSP, WB, GE, UR

SUBJECT: SOVIET APPROACH ON EXFILTRATION

REF: STATE 256998

1. WE WILL TRANSMIT SPETEL OUR RESPONSES TO
GENRAL QUESTIONS PARA 6 REFTTEL. IN CONNECTION
WITH BONN GROUP DISCUSSION, HOWEVER, EMBASSY AND
DEPARTMENT MAY WISH TO CONSIDER TWO POINTS
RELATIVE TO PROPOSED ANSWER TO SOVIETS:

A. WE ARE CONCERNED THAT STATEMENT SUBPARA B OF
RESPONSE TO EFFECT THAT "US REGULATIONS DO NOT
PERMIT PERSONS WHO ARE NOT MEMBERS OF THE US FORCES
TO ENTER OR DEPART THE SOVIET SECTOR OF BERLIN IN US
FORCES VEHICLES" IS SUBJECT TO MISINTERPRETATION. IN
FACT, OF COURSE, MANY INDIVIDUALS WHO ARE NOT ACTUALLY
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MEMBERS OF FORCES ARE PROPERLY TRANSPORTED TO AND FROM

EAST BERLIN, INCLUDING TDY OR OTHER OFFICIAL VISITING AMERICANS WHO DISPLAY BUT DO NOT HAND OVER THEIR DIPLOMATIC PASSPORTS, AND, WHEN DRIVEN BY UNIFORMED MILITARY DRIVER IN OFFICIAL (E.G. YELLOW OR WHITE PLATED) CAR, PRIVATE AMERICAN CITIZENS WHO DISPLAY BUT DO NOT HAND OVER THEIR PRIVATE PASSPORTS. WE WOULD NOT WISH TO LOSE THIS FLEXIBILITY OR OPEN DOOR TO QUESTIONING WHETHER SUCH PASSENGERS MAY CONTINUE TO RECEIVE SPECIAL TREATMENT AT CHECKPOINT CHARLIE. IT MAY BE PREFERABLE, THEREFORE, SIMPLY TO STATE THAT "AS THE SOVIET UNION IS AWARE, US REGULATIONS DO NOT PERMIT UNAUTHORIZED PERSONS TO ENTER OR DEPART THE SOVIET SECTOR OF BERLIN IN US FORCES VEHICLES."

B. RECENT THREE INCIDENTS HAVE ALL OCCURRED IN EAST BERLIN. SOME PREVIOUS INCIDENTS, INCLUDING KAPPEL CASE IN 1972, OCCURRED ON BERLIN-HELMSTEDT AUTOBAHN, WHERE OUR SENSITIVITY IS AT LEAST AS GREAT AS AT CHECKPOINT CHARLIE. SOVIET STATEMENT IS CAST, PRESUMABLY BECAUSE OF LOCUS OF RECENT INCIDENTS, PRIMARILY IN TERMS OF EAST BERLIN PROBLEM, BUT ITS GENERAL LANGUAGE IS APPLICABLE AS WELL TO AUTOBAHN QUESTIONS, I.E., "... INEVITABLY BRING UP THE QUESTION OF INTRODUCING AN EFFECTIVE CONTROL OVER THE MOVEMENT OF AMERICAN MILITARY PERSONNEL ACROSS THE BORDER BETWEEN WEST BERLIN AND THE GDR, AS WELL AS MAKING US SERVICE-MEN LEGALLY RESPONSIBLE FOR CRIMES COMMITTED ON THE TERRITORY OF THE GDR." WE WOULD THINK IT DESIRABLE, THEREFORE, FOR OUR ANSWER TO BE CASE IN TERMS BOTH OF EAST BERLIN AND AUTOBAHN ACCESS RIGHTS. SENTENCE IN SUBPARA B OF DRAFT RESPONSE MIGHT THEN BE EXPANDED TO READ " ... ENTER OR DEPART THE SOVIET SECTOR OF BERLIN OR TRANSIT THE BERLIN-HELMSTEDT AUTOBAHN IN US FORCES VEHICLES." SENTENCE IN SUBPARA C MIGHT BE EXPANDED TO READ "THE US FORCES ALSO HAVE THE BASIC RIGHT OF FREE CIRCULATION IN GREATER BERLIN AND OF FREE TRANSIT ON THE BERLIN-HELMSTEDT AUTOBAHN."SELIGMANN

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